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9 ATTORNEYS FOR DEFENDANT  
10 e-centives, INC., a Delaware corporation

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 TRIFOVAL, LLC, a California limited liability  
15 corporation,

16 Plaintiff,

17 vs.

18 E-centives, INC., a Delaware corporation,

19 Defendant.

20 E-centives, INC., a Delaware corporation,

21 Cross-Complainant,

22 vs.

23 TRIFOVAL, LLC, a California limited liability  
24 corporation,

25 Cross-Defendant.

No. C03 05413 JW

NOTICE OF STIPULATED  
WAIVER OF JURY TRIAL

\*AND ORDER

26 WHEREAS, PLAINTIFF TRIFOVAL, LLC and DEFENDANT E-CENTIVES (collectively,  
27 the "parties") have stipulated to waive jury and proceed with a court trial;

28 ///

1 IT IS HEREBY STIPULATED by the parties, through their respective attorneys of record, as  
2 follows:

3 1. The parties waive their right to trial by jury with respect to all claims or defenses  
4 raised in the complaint or cross-complaint, or answers thereto, in this action, and hereby elect to  
5 proceed with a court trial on all claims, causes of action, and defenses in this litigation.

6  
7 Dated: September 29, 2005

CARR & FERRELL LLP

8 By James W. Lucey  
9 JAMES W. LUCEY

10 Attorney for Trifocal, LLC

11 Dated: September 29, 2005

BERLINER COHEN, Attorney for E-centives, Inc.

12 By Frank R. Ubhaus  
13 FRANK R. UBHAUS  
14 JOHN F. DOMINGUE  
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16  
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18 **ORDER**

19 Pursuant to the above stipulation, IT IS HEREBY ORDERED that the above-captioned matter  
20 shall proceed by court trial.

21 9/30/05

22 JAMES WARE  
23 United States District Judge

